

# SENATE CONCURRENT RESOLUTION No. 192

## STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED DECEMBER 17, 2015

**Sponsored by:**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Morris, Somerset and Union)**

### **SYNOPSIS**

Proposes constitutional amendment to establish redistricting requirements for creating legislative districts; requires Apportionment Commission to hold and transcribe public hearings.

### **CURRENT VERSION OF TEXT**

As introduced.



1   **A CONCURRENT RESOLUTION** proposing to amend Article IV,  
2       Section II, paragraph 3 and Article IV, Section III, paragraph 1  
3       of the Constitution of the State of New Jersey.

4  
5       **BE IT RESOLVED** *by the Senate of the State of New Jersey (the*  
6       *General Assembly concurring):*

7  
8       1. The following proposed amendment to the Constitution of  
9       the State of New Jersey is hereby agreed to:

10  
11                               PROPOSED AMENDMENT

12  
13       Amend Article IV, Section II, paragraph 3 to read as follows:

14       3. a. The General Assembly shall be composed of eighty  
15       members. Each Senate district to which only one senator is  
16       apportioned shall constitute an Assembly district. Each of the  
17       remaining Senate districts shall be divided into Assembly districts  
18       equal in number to the number of senators apportioned to the Senate  
19       district. The Assembly districts shall be composed of contiguous  
20       territory, as nearly compact and equal in the number of their  
21       inhabitants as possible, and in no event shall each such district  
22       contain less than eighty per cent nor more than one hundred twenty  
23       per cent of one-fortieth of the total number of inhabitants of the  
24       State as reported in the last preceding decennial census of the  
25       United States. Unless necessary to meet the foregoing requirements,  
26       no county or municipality shall be divided among Assembly  
27       districts unless it shall contain more than one-fortieth of the total  
28       number of inhabitants of the State, and no county or municipality  
29       shall be divided among a number of Assembly districts larger than  
30       one plus the whole number obtained by dividing the number of  
31       inhabitants in the county or municipality by one-fortieth of the total  
32       number of inhabitants of the State.

33       b. No district drawn by the Apportionment Commission,  
34       pursuant to Article IV, Section III of the New Jersey Constitution,  
35       shall be drawn to favor a political party, incumbent legislator, or  
36       other person or group, or to dilute the voting strength of a language  
37       or racial minority group.

38       In establishing legislative districts, the Commission shall not use  
39       any of the following information:

- 40       (1) addresses of incumbent legislators;  
41       (2) political affiliations of registered voters;  
42       (3) previous election results; and  
43       (4) demographic information, other than population head counts,  
44       except as required by the Constitution and the laws of the United  
45       States.

46       (cf: Art.IV, Sec.II, par.3; amended effective December 8, 1966)

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

      Matter underlined thus is new matter.

1 Amend Article IV, Section III, paragraph 1 to read as follows:

2 1. a. After the next and every subsequent decennial census of  
3 the United States, the Senate districts and Assembly districts shall  
4 be established, and the senators and members of the General  
5 Assembly shall be apportioned among them, by an Apportionment  
6 Commission consisting of ten members, five to be appointed by the  
7 chairman of the State committee of each of the two political parties  
8 whose candidates for Governor receive the largest number of votes  
9 at the most recent gubernatorial election. Each State chairman, in  
10 making such appointments, shall give due consideration to the  
11 representation of the various geographical areas of the State.  
12 Appointments to the Commission shall be made on or before  
13 November 15 of the year in which such census is taken and shall be  
14 certified by the Secretary of State on or before December 1 of that  
15 year. The Commission, by a majority of the whole number of its  
16 members, shall certify the establishment of Senate and Assembly  
17 districts and the apportionment of senators and members of the  
18 General Assembly to the Secretary of State within one month of the  
19 receipt by the Governor of the official decennial census of the  
20 United States for New Jersey, or on or before February 1 of the year  
21 following the year in which the census is taken, whichever date is  
22 later.

23 b. The Commission shall hold at least three public hearings,  
24 one each in the northern, southern, and central parts of the State.

25 c. The Commission shall establish a website, to be  
26 administered by the Office of Legislative Services, or its successor,  
27 starting on January 1 of the year following the year in which the  
28 census is taken. By January 1, the website shall describe, in plain  
29 language, the process of the Commission; and provide a process for  
30 members of the public to submit written plans for the establishment  
31 of legislative districts and more general comments to the  
32 Commission. The website shall also provide access to the  
33 recordings of the public hearings and the materials submitted to the  
34 Commission, and provide such other information as the  
35 Commission deems appropriate. The commission may review,  
36 subject to the constraints of time and convenience, the written plans  
37 for the establishment of legislative districts submitted by members  
38 of the general public.

39 d. The Commission shall arrange for a Certified Court Reporter  
40 or a reporter from the Office of Legislative Services, or its  
41 successor, to be present at the public hearings of the Commission to  
42 transcribe the full proceedings of the public hearing. A written  
43 transcript of the public hearings shall be prepared as soon as  
44 possible after such hearings and shall be made available to the  
45 members of the Commission.

46 e. The transcript of the public hearings prepared by the  
47 Certified Court Reporter or the Office of Legislative Services, or its  
48 successor, shall become part of the official records of the

1 Commission and shall be submitted to the Secretary of State with  
2 other official records of the Commission, if any, when the  
3 Commission terminates its business.

4 (cf: Art.IV, Sec.III, par.2: amended effective December 8, 1966)

5

6 2. When this proposed amendment to the Constitution is finally  
7 agreed to pursuant to Article IX, paragraph 1 of the Constitution, it  
8 shall be submitted to the people at the next general election  
9 occurring more than three months after the final agreement and  
10 shall be published at least once in at least one newspaper of each  
11 county designated by the President of the Senate, the Speaker of the  
12 General Assembly and the Secretary of State, not less than three  
13 months prior to the general election.

14

15 3. This proposed amendment to the Constitution shall be  
16 submitted to the people at that election in the following manner and  
17 form:

18 There shall be printed on each official ballot to be used at the  
19 general election, the following:

20 a. In every municipality in which voting machines are not used,  
21 a legend which shall immediately precede the question as follows:

22 If you favor the proposition printed below make a cross (X), plus  
23 (+), or check ( ✓ ) in the square opposite the word "Yes." If you are  
24 opposed thereto make a cross (X), plus (+) or check ( ✓ ) in the  
25 square opposite the word "No."

26 b. In every municipality the following question:

27

1

	YES	<p>CONSTITUTIONAL AMENDMENT SETTING REDISTRICTING REQUIREMENTS AND A PUBLIC PROCESS FOR ESTABLISHING DISTRICTS</p> <p>Do you approve changing the Constitution to establish requirements for how legislative districts are created?</p> <p>Do you approve requiring that the commission hold at least three public hearings? Do you approve requiring the commission to arrange for and produce transcripts of the public hearings?</p> <p>Do you approve requiring the commission to establish a website to provide public information and to accept comments and districting plans from the public?</p>
	NO	<p>INTERPRETIVE STATEMENT</p> <p>This amendment to the Constitution establishes specific requirements to be applied in creating legislative districts.</p> <p>Districts could not be drawn to favor a political party, sitting legislator, or other person or to dilute the voting strength of a language or racial minority group. The addresses of sitting legislators, political party of voters, and prior election results could not be used to draw districts.</p> <p>This amendment would require the commission to hold at least three public hearings in different parts of the State. The commission would also be required to set up a website to provide information to the public, and accept district plans and comments from the public.</p> <p>The amendment would require a written transcript of each public hearing to be prepared.</p>

2

STATEMENT

The purpose of this Constitutional Amendment is to establish redistricting requirements and certain procedures for use by the Apportionment Commission when it establishes legislative districts.

Specifically, the amendment prohibits the creation of legislative districts that favor a political party, an incumbent office holder or other person or group, or dilute the voting strength of a language or racial minority group.

It also prohibits the use of:

- 1) addresses of incumbent legislators;
- 2) political affiliations of registered voters;
- 3) previous election results; and
- 4) demographic information, other than population head counts, except as required by the Constitution and the laws of the United States.

The amendment requires that the Apportionment Commission hold at least three public hearings, one each in the northern, southern, and central parts of the State. The commission would establish a website, to be administered by the Office of Legislative Services, a nonpartisan State agency, to inform the public about the commission's work. This website would also allow members of the public to submit plans and comments. The commission may, subject to the constraints of time and convenience, review the written plans for the establishment of legislative districts submitted by members of the general public. A transcript of each public hearing is to be made and become part of the official record of the commission that is submitted to the Secretary of State with other official records when the commission terminates its business.